

January 9, 2004



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Research and
Special Programs
Administration**

DOT-E 13383

EXPIRATION DATE: January 31, 2004

1. GRANTEE: Clean Harbors, Inc.
Braintree, Ma.
2. PURPOSE AND LIMITATION:
 - a. This emergency exemption authorizes the one-time transportation in commerce of certain packages containing various hazardous materials involved in an accident and subsequent fire, in overpacks without required markings and labels. This exemption provides no relief from any regulation other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.301(a) and 172.301(c), in that the salvage packagings are not required to be marked with the proper shipping description, identification number, and exemption number and 49 CFR § 172.400 in that the salvage packagings are not required to be labeled.
5. BASIS: This emergency exemption is based on the telephonic application from Clean Harbors, Inc. dated January 7, 2004, and follow-up on January 8, 2004, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/Division	Identification Number	Packing Group
Various Hazardous Materials in Class/Division 3, 4.1, 5.1, 8, 9	Various	Various	Various

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Damaged steel and polyethylene drums that have been damaged in an accident/fire must be overpacked in either steel or polyethylene salvage packagings as authorized in § 173.3(c).
- b. OPERATIONAL CONTROLS - Continued use of the original shipping papers (manifests) is authorized.

8. SPECIAL PROVISIONS:

- a. The shipment will be transported by Dart Trucking from the accident site (I-80 near Lamar, Pa.) to the Clean Harbors, Inc. facility in Cincinnati, OH.
- b. Transportation is limited to a one-time emergency movement only.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.10. MODAL REQUIREMENTS: The transport vehicle must be placarded in accordance with 49 CFR § 172.504 as required for the original shipment.11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts

- 171-180.
O Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: BILLINGS

